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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LAZARO, DAVID R

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,379

Applicant(s)

HELMS, JANINE L.

Examiner

Shabana Qureshi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) // - 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-10 are allowed, arguments were persuasive. Claims 11-20 are pending in this office action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon Leong et al (US Patent No. 5,996,010).

As per claim 11, Leong et al teach a method comprising:

- communicating, by a peripheral device in a intranet, a request to a predetermined web site hosted by a server that is not in the intranet (column 6, lines 23-34); and
- in response to the communicating, receiving a predetermined device configuration from the predetermined web site (column 3, lines 52-57);

Leong et al does not specify that in response to receiving the configuration commands sent by the remote server, the predetermined device configures itself. However, in column 13, lines 42-57, Leong et al teach the presentation of management commands in an HTML document to the peripheral device. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the peripheral device implements the management commands

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received from the remote server in order to allow itself to be managed remotely (column 1, lines 54-58).

As per claim 12, Leong et al teach a method as recited in claim 11. Leong et al further teach that the predetermined web site is a printer management service (column 6, lines 13-22, network management agent), the response is a printer configuration (column 5, lines 46-61, network management information), and the peripheral device is a printer (column 6, lines 19-21, end device may be a peripheral).

As per claim 13, Leong et al teach a method as recited in claim 11, wherein the peripheral device comprises an embedded web server for generating Web pages (column 2, lines 54-65), the communicating further comprising encoding the configuration request as a Web page (column 2, lines 54-65).

As per claim 14, Leong et al teach a method as recited in claim 11. Leong et al teach that the device configuration is encoded as a web page and wrapped in HTTP (column 9, lines 16-17) such that a peripheral device that includes an embedded web server can parse and execute the encoded device configuration to configure one or more settings or resources that correspond to the peripheral device (column 9, lines 10-43). Leong et al does not specify that the web pages contain XML. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the information on the web page in XML because it is commonly known that XML is scalable to many applications.

As per claim 15, Leong et al teach a method as recited in claim 11, further comprising:

- in response to a condition, forwarding, a notification message to the predetermined web site (column 3, lines 36-52);

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- receiving a notification response based on the notification message from the predetermined web site, the response comprising a set of control functions (column 3, lines 36-52); and
- in response to receiving the notification response, implementing one or more of the set of control functions (column 3, lines 36-52).

As per claim 16, Leong et al teach a computer-readable medium storing computer-executable instructions that, when executed on a computer, performs the method of claim 11 (column 4, lines 19-23).

As per claim 17, Leong et al teach a system comprising:

- a web site being configured to determine a default device configuration corresponding to a peripheral device (column 3, lines 35-50; column 6, lines 29-31, management information is obtained according to the request), the peripheral device being preconfigured to communicate a request to the web site upon being booted up in an intranet, the web site not being hosted by a server that is part of the intranet (column 3, lines 62-65; column 4, lines 19-23, column 6, 23-31),
- in response to receiving the request, the web site is configured to communicate the default device configuration to the peripheral device (column 3, lines 48-61), the default device configuration being communicated (column 6, lines 31-32), the default device configuration being used by the peripheral device to configure itself (column 13, lines 38-46).

Leong et al do not specify that the network functions requested by remote devices are that of configuration or that the remote device is specifically a peripheral device. However,

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configuration of devices are common and well known in the computer networking art to be art to be network functions. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ configuration as the network functions taught by Leong et al. Examiner interprets peripheral devices to be embodied in the "remote devices" taught by Leong et al.

As per claim 18, Leong et al teach the system as recited in claim 17, wherein the peripheral device comprises an embedded web server to communicate the request as a web page (column 2, lines 54-65) and to parse the communicated default device configuration (column 9, lines 10-43), the communicated default device configuration being communicated as a web page (column 2, lines 54-65).

4. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon Leong et al (US Patent No. 5,996,010) in view of in view of Michael Sorens et al (US Patent No. 6,6317,848).

As per claim 19, Leong et al teach a system as recited in claim 18. Leong et al does not teach providing requests by sending emails. However, Sorens et al teach:

- providing an e-mail address, the request being a notification message that is communicated to the e-mail address (column 1, lines 49-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the e-mail notification feature of Sorens et al into the system of Leong et al because doing so would allow the HTTP server of Leong et al to be notified of events and apply the appropriate network management function (Leong et al, column 1, lines 54-60).

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As per claim 20, Leong et al in view of Sorens et al teach the system as recited in claim 19, Leong et al further teach that the response comprises one or more control codes corresponding to functions to be performed by the peripheral device upon receipt of the response (column 6, lines 31-32).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shabana Qureshi whose telephone number is (571) 272-3990. The examiner can normally be reached on Monday - Thursday, 9:30 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shabana Qureshi
Examiner
Art Unit 2155

29 November 2004


BHARAT BAROT
PRIMARY EXAMINER